

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Andre Eaddy,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No. 5:22-cv-2196-TMC
)	
Warden of FCI Edgefield Satellite)	ORDER
Camp,)	
)	
Respondent.)	
)	
)	

Petitioner Andre Eaddy (“Petitioner”), proceeding *pro se*, filed this petition for relief pursuant to 28 U.S.C. § 2241. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.), this matter was referred to a magistrate judge for all pretrial proceedings. On September 29, 2022, Respondent filed a response to the petition and motion to dismiss or for summary judgment. (ECF No. 20). The following day, the magistrate judge issued an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of Respondent's motion and the possible consequences if Petitioner failed to adequately respond thereto. (ECF No. 21). The *Roseboro* order was mailed to Petitioner at the address he provided the court on September 30, 2022, (ECF No. 22), and has not been returned to the court as undeliverable. Therefore, Petitioner is presumed to have received the *Roseboro* order. Nevertheless, to date, Petitioner has failed to file any response to Respondent’s motion to dismiss or to the magistrate judge’s *Roseboro* order.

On November 8, 2022, the magistrate judge issued another *Roseboro* order and directed Plaintiff to advise the court whether he intended to continue pursuing habeas relief and file a response to the motion to dismiss. (ECF No. 23). The order was mailed to Petitioner at the address

he provided the court, (ECF No. 24), and has not been returned to the court as undeliverable. Therefore, Petitioner is presumed to have received the November 8 order. Nevertheless, once again, Petitioner has failed to file any response.

Now before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the Petition be dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. (ECF No. 26). Petitioner was advised of his right to file objections to the Report. *Id.* at 3. On December 15, 2022, the Report was mailed to Petitioner at the address he had provided the court. (ECF No. 27). The Report has not been returned to the court as undeliverable. Therefore, Petitioner is presumed to have received the Report. Nonetheless, Petitioner has not submitted any objections, and the time for Petitioner to object to the Report has now expired.

The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Wimmer v. Cook*, 774 F.2d 68, 72 (4th Cir. 1985) (quoting *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). Nevertheless, "[t]he district court is only required to review *de novo* those portions of the report to which specific objections have been made, and need not conduct *de novo* review 'when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations.'" *Farmer v. McBride*, 177 Fed. App'x 327, 330–31 (4th Cir. April 26, 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)). The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, in the absence of specific objections to the Report, this Court is not required to give any

explanation for adopting the recommendation. *Greenspan v. Brothers Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)).

Having reviewed the Report and the record and, finding no clear error, the court agrees with, and wholly **ADOPTS**, the magistrate judge’s findings and recommendations in the Report (ECF No. 26), which is incorporated herein by reference. Accordingly, the court **DISMISSES** this action with prejudice pursuant to Rule 41(b).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
February 13, 2023

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.